

# The Philosophy Of Law And Grace

by Kel Good

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When examining the area of law and grace, and why the atonement is the necessary means by which God can grant pardon, it is almost universally the case that most people do not probe deep enough into the relevant issues. One cannot begin to give an adequate explanation of these concepts without answering the following questions: 1) What is the nature of moral law?, 2) Is the penalty deserved?, 3) Why is the penalty exacted?, 4) How can the penalty be set aside?, and 5) What conditions must hold for pardon to be safely offered? Only when all these questions are probed and exposed are we in a position to determine the true nature of salvation. I want to clarify how we might begin to answer them.

1) What is the nature of moral law?

With Finney, I would see moral law to derive from the nature of moral beings. When a being has mind, emotions, and will, moral law as we know it, the law of love, will arise, creating obligations. This is so whether the being with these traits is God, man, angels, or any other being out there that we have yet to encounter. The sense in which I consider moral law "above" God is not the sense of it being something outside of God. Rather, it derives from his nature directly. What one is, determines what one ought to do. (This derivation of the "ought from the is" is extremely problematic in moral philosophy. I ignore it for the time being, assuming a successful argument in its favor can be structured.)

Moral law for us derives from God in the sense he made us moral beings with these traits. But it is theoretically possible that if somehow we could have burped up out of a primordial slime and "evolved" these traits (I am not suggesting this is factually the case) there would be right and wrong anyway, even if there were no God. I intend some day to write a paper entitled something like "Why the possibility of morality without a God is important to Christian morality." The reason it is important God is subject to moral law himself is that, were this not the case, then to say God is good would be an empty statement. If whatever God happens to do is the thing that defines morality, we have ended up just lucky he chose the things consistent to our nature, rather than against it.

I believe we can call God good precisely because his conduct corresponds with what we understand to be good behavior. God is subject to the same assessment criteria we are. This does not mean he will never do anything that might appear evil to us, given our limited perspective. It means only that when all is said and done, if we could gain the bigger perspective, we would agree with God's conduct. The Bible seems to suggest such a final perspective will be given on God's dealings with man.

2) Is The Penalty Deserved?

The second question is this. Is there a deserved penalty for the violation of moral law? Put simply, when I intentionally hurt someone (or intend to but fail to), do I deserve to be hurt? (The issue of whether I deserve to be hurt for hurting myself is another question in ethics we will ignore for now.) Those who answer this question usually divide into two camps of punishment theory, the consequentialists and the retributivists .

The first say no one can deserve punishment inherently. To punish when no good is in view is simply to return evil for evil. Rather, it is the deterrence effect of punishment that legitimizes punishment, either by protecting society or by reforming the individual violator of law.

The second group says punishment is intrinsically deserved. When we punish, we are not doing so only because of other benefits, either to society or the person being punished. While these may result, it is legitimate to punish, even if no good will come from having done so. It is good that punishment occur for its own sake.

The challenge to the consequentialist view is it seems inherently unjust. If punishment is not truly deserved then to punish because it will protect society is to use people as a means to the end of protecting society. This motivation also does not require punishment to be meted out with fair reference to the crime committed. If a more extreme penalty will prevent the commission of a lesser crime, it is a legitimate thing to do, when the perceived benefits are considered adequate justification for the exercise of punishment. Most theorists agree the problem with consequentialism in punishment theory is it violates justice.

But retributivism seems at first blush to be nothing more than blood thirst and a desire for vengeance. If nothing good will come of punishing someone who has done wrong, then to do so anyway could only arise from a desire to see someone suffer, or from a vindictive attitude. In this case we have something akin to the blood feuds of the clans. And do we not have a certain feeling of enjoyment when we watch a movie where the protagonist "gets his?" Steven Seagal of 'Out For Justice' would not have a job if this feeling did not exist.

But this feeling also shows there is something more than personal vengeance in view. When we can feel identification when a criminal is punished, even though the crime was not committed against ourselves, we are surely experiencing something more than vindictiveness. There seems a sense in which we all have an identity with violations of the moral law. It's violators deserve to be punished. Our sense of justice seems to derive from our perception of this fact. But do we also feel that violators must be punished? If we do, then how would mercy be possible?

Because of this question the retributivist camp divides into two. There are those who believe punishment is intrinsically deserved and required. Calvinist theologians usually fit into this side of the retributive camp. This is why they insist on a penal view of atonement. Sin must be punished. The other side of the retributive camp denies punishment is required. They merely see it as a legitimate thing to do.

No one can complain about being punished if they are. What they did inherently deserves the penalty. Justice would not be affronted if God had sent the whole world to Hell. The Calvinists are right in saying God owed no one salvation. His electing some and passing by others is not a violation of justice, since everyone deserved the penalty. But their view of justice does not allow mercy. Their view of election does not show us God is love. By deliberately leaving some people to be lost even when he could save them all, God prevents any belief in his complete goodness. If he does no injustice in this, he certainly cannot claim to be love.

In answer to the second question of moral theory, without having truly argued for it, I would suggest the view of retributive justice which holds the penalty to be deserved, but not necessarily required, is the view we must hold to. Only if penalty is deserved can God be just in inflicting it on anyone. Only if it is not necessarily required could it be legitimately set aside in the context of mercy.

### 3) Why is the penalty exacted?

If punishment is deserved but not required, why does God punish at all? Since God is love, why does he not simply pardon? It seems here the concept of "public justice" that Finney speaks about comes in. Retributive justice deals with the legitimacy of punishment, public justice deals with its necessity. Part of what the moral law obliges God with is the responsibility to take up the role of moral governor. The obligation to rule is created by the necessity of this rule for the good of the universe.

Here God is more than just our Father, he is the ruler of the universe. In terms of God's feelings as our creator and father, he probably would not punish anyone for sin. But the moral law requires that he maintain the influence of his authority as governor. The influence of his law is to assist in securing the good the moral law has in view. Nathaniel W. Taylor wrote extensively on this subject in his "Lectures On The Moral Government of God."

The obligation to rule the universe required God to establish the legitimacy of his government. If people were to obey him, they would have to be convinced he was the best qualified to rule. He needed to establish both his knowledge, power, and character. The first two are established by the fact he is creator. He would obviously be better qualified to rule than anyone else, in terms of knowledge and power, since he made

everything there is. But how could God convey he has the necessary character? If his character is in question, people will not have confidence in him and his law's influence will wane.

The important thing is for God to show his character by what he does, and not simply by what he says. Anyone can say they mean good, but only when they act is their true character made known to others. While it was necessary for God to declare the best law, it was also necessary that he demonstrate in the sanctions of his law, that he has the attitudes toward sin and righteousness he must have if he is truly benevolent. He must show he hates sin, and loves righteousness. This required God to pledge himself to punish evil with its deserved penalty, and reward righteousness with blessing. More than this, God also must actually punish sin and reward righteousness, if it is to be demonstrated that he truly is benevolent in his character. For God to fall short of doing this would be a declaration that he is only talk about loving holiness.

All this was required because the good of the universe demanded it. God's rule was a necessary means to this end. But if sin did not inherently deserve to be punished, all this would have been to use the punishment of the sinner simply as a means to an end. Since sin deserves punishment, punishing sin is the most obvious way God can show how he feels about it. In this way the retributivist and consequentialist explanations of punishment come together. The retributivist element shows us sinners are not simply being used as a means to the greater good of the universe when they are punished for sin. Their sin truly deserves the penalty. And God adheres to strict standards of retributive justice in determining the appropriate penalty. He will give to everyone "according to what he has done."

But God also is not motivated by feelings of vindictiveness. He does not punish merely for its own sake. It is only the necessities of governing that lead him to exact punishment, and only because of the good in view. Without this consequentialist "public justice" justification and motivation for punishment requiring God so to act, he would deal only in mercy. But justice and mercy must come together.

Were God to fail to rule, he would have been doing wrong. Were he to fail to pledge to punish sin and reward righteousness, he would have been doing wrong. Were he to fail to punish sin, and reward righteousness when it occurs, he would be shown to be a phoney and the greatest sinner of all. As long as God punishes sin and rewards righteousness wherever they occur, the influence of his law and authority remains.

4) How can the penalty be set aside?

But now we have a problem. God is love. Love motivated him to establish his rule in the first place. The point was to promote the good of everyone. It was with this good in view that God declared his law and its sanctions, as his obligations required of him. But now

man has sinned. He has exposed himself to the penalty. What is God to do? God wants the good even of the sinner. After all, it is the good of everyone that the moral law has in view. But if he overlooks man's sin he declares to all the universe that he really does not abhor sin as he ought. If he fails to punish even one sin, he leaves an impression that could multiply into hopes of impunity. This would bring God's character in question. If he lets man simply repent then he makes his law and its sanctions a farce.

Yet God loves man. He desires not to punish. The penalty, though deserved, is not inherently required. It is required by the need for God to demonstrate his justice, his attitude toward sin. If God can find another way to demonstrate this to the universe, he might be able to forgoe punishing man.

What God chose to do is become a man himself. He lived a full life under the same moral law man is born under and fulfilled it completely, showing there is nothing wrong with the law. It is not too hard to keep. It is not unjust. Then he went to the cross, dying a terrible public death in the name of sinners. Finally he declared that only on the condition that sinners turn from their sins, forsaking them completely, and return to complete obedience to the reasonable requirements of the law, and cast themselves in faith upon Christ's atonement as the only legitimate way they can receive pardon for what they have done, God will forgive.

The reason the atonement accomplishes what it does is that it demonstrates to the universe, as completely as punishing sinners for their sins would have, that God has the attitudes toward sin and righteousness he must have, if he is to legitimately rule. Since it meets the same end that the penalty was designed to meet, God can set the penalty aside and pardon sinners. It allows God both to be just (in the sense of the public justice that required God's rule and the sanctions of the law) and the one who justifies the man who has faith in Jesus (Rom 3:25-26).

5) What conditions must hold for pardon to be safely offered?

But notice, this can only be done upon the stated conditions. God cannot pardon unrepented of sin. Sin deserves the penalty whenever it occurs. Public justice still requires God to show he hates sin. If a sinner breaks off from his sin and trusts in the atonement for pardon, God can pardon. But God cannot pardon sin that is in its commission. To do so would be again to endanger the universe with the very evil the law had in view to prevent. To require less than complete obedience would throw God's character totally in question. It would show God compromising with sin. This God has no right to do. This God has obligation as moral governor not to do.

The atonement is not a satisfaction of retributive justice. It is a satisfaction of public justice. Public justice required the promise of penalty for sin as the only way for God to prove his character and establish the influence of his authority. With the violation of the

law came the necessity to exact punishment, or through atonement to adequately demonstrate that God is not being inconsistent or compromising with sin in his extension of pardon. Who could witness the terrible spectacle of Christ dying in agony on the cross, as an atonement for sin, and question God's intentions in offering pardon? God has shown more vividly than he ever could have that he hates sin as much as he can. Only through this terrible death of his own son would he even consider setting aside the penalty for violations of the moral law.

The condition of obedience to the moral law on the part of the pardoned sinner has not ended because God has no authority to end it. Pardon is a legitimate function of moral law precisely because retribution is not a requirement, outside the considerations of public justice that demands its execution.

### Conclusion

This summary has gaping holes in it. Many of the key points have merely been stated rather than argued for. Despite this it represents the outline of a reasonable rendition of what the Bible appears to say God accomplished through the gospel. While recognizing the absence of justifying arguments at some key points, the derivation presented here attempts to do "justice" to our concepts of morality and suggests at each progressive step why the next one is taken.

John Miley's book on the atonement is the only work on the governmental view I have read that begins to address specifically the relationship between retributivist and public (rectoral in his words) concepts of justice. Most Moral Government books on the atonement simply say God set aside retributive justice, instead satisfying public justice. They do not attempt to explain why this was legitimate. If retributive justice is required, then God is violating justice in not exacting the penalty. Unless retribution is not inherently required, mercy cannot be a legitimate exercise. Even Miley's book merely states his acceptance of the non-requirement view of retributive justice, but does not attempt to argue for it. I of course have also not argued for it. Such argument would be a necessary part of any complete exposition of the important concepts of moral theory that underlie the philosophy of law and grace.

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